

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAYSHUN CUNNINGHAM,)	Case No.: 1:22-cv-00306-JLT-SAB (PC)
)	
Plaintiff,)	
)	<u>ORDER ADOPTING FINDINGS AND</u>
v.)	<u>RECOMMENDATIONS, AND DISMISSING</u>
)	<u>ACTION</u>
BIRD, et al.,)	
)	(Doc. 9)
Defendants.)	
)	
)	
)	

The assigned magistrate judge issued findings and recommendations recommending that the instant action be dismissed for failure to state a cognizable claim for relief. (Doc. 9.) The findings and recommendations were served on Plaintiff. The court advised Plaintiff that any objections were to be filed within fourteen days. (*Id.* at 7.) Plaintiff filed objections on June 8, 2022. (Doc. 12.)

According to the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds the findings and recommendations to be supported by the record and proper analysis. The magistrate judge explained in the findings and recommendations why Plaintiff is not entitled to due process protections in connection with his prison employment, including in relation to termination from an existing prison job. (Doc. 9 at 3–5.) This conclusion is not called into question by Plaintiff's

objection that he was employed pursuant to a contract and that there was no cause to terminate him. (See Doc. 12 at 2.) Plaintiff directs the Court's attention to the "contract" in question by attaching it to his objections. (*Id.*, Ex. A.) That document articulates the "Rules, Regulations, and Policies" that apply to inmate employees of the Valley State Prison Optical Lab. (*Id.*) Therein are referenced various provisions of Title 15 of the California Code of Regulations. (*Id.*) The only language contained within that document that could even arguably give rise to a protected interest are provisions that set forth the progressive discipline process that applies to certain kinds of infractions of the workplace rules. (*Id.*) However, the Ninth Circuit has examined those regulations and found that they do not give rise to any liberty interest. *Williams v. Vinsen*, 154 F. App'x 604 (9th Cir. 2005) (affirming district court holding that the progressive disciplinary process regulations do not give rise to a due process liberty interest). Plaintiffs remaining objections are without merit. Thus,

1. The findings and recommendations issued on May 2, 2022 (Doc. 9), are adopted; and
2. The instant action is dismissed for failure to state a cognizable claim for relief.

IT IS SO ORDERED.

Dated: **June 13, 2022**


UNITED STATES DISTRICT JUDGE